

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension)
)
of the Educator Certificate of)
)
Kenneth Lance Butler,)
)
Certificate 249771)

**CONSENT ORDER OF SUSPENSION
(BREACH OF CONTRACT)**

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on December 12, 2017. On November 9, 2017, the South Carolina Department of Education (SCDE) served Kenneth Lance Butler a notice of his right to a hearing regarding the possible suspension of his South Carolina educator certificate, by regular and certified mail, return receipt requested, delivery restricted to addressee. On November 16, 2017, after receiving the notice, Mr. Butler contacted the SCDE to discuss an alternate resolution of this matter. Mr. Butler is currently working in the private sector and has agreed to waive his right to a hearing and consents to a one year suspension of his educator certificate.

After considering the evidence presented, the State Board voted to suspend Mr. Butler's educator certificate for a period of one year, commencing on December 12, 2017, and ending on December 11, 2018.

FINDINGS OF FACT

This case concerns a formal complaint by the Florence County School District One (District) recommending the suspension of the educator certificate of Kenneth Lance Butler for breach of contract. The State Board has jurisdiction in this matter, pursuant to S.C. Code Ann. § 59-25-150 (Rev. 2004) and S.C. Code Ann § 59-25-530 (Rev. 2004).

Mr. Butler holds a South Carolina educator certificate and has over seven years of teaching experience. On May 11, 2017, Mr. Butler signed a Contractual Agreement with the District to serve as a teacher for the 2017-2018 school year. On September 13, 2017, Mr. Butler sent a letter to the District stating that he was resigning from his position, effective September 22, 2017. Mr. Butler indicated he had been offered an opportunity with a company in the private sector.

Kenneth
Lance
Butler
249771

KLB
Initial
Here

11/27/17
Date

On September 14, 2017, the District informed Mr. Butler that he was not duly released from his contract. Mr. Butler was informed that his resignation must be submitted and reviewed pursuant to District policy GCQC/GCQD (Resignation of Instructional Staff/Administrative Staff). The policy noted that the District board had to approve all contract releases. The District also informed Mr. Butler that he was expected to perform his duties until he was released from the contract by the District. If Mr. Butler failed to perform his duties, the District informed him that such a breach of contract would be reported to the SCDE.

Mr. Butler did not return to his teaching position. On October 12, 2017, the Board of Trustees of the District took official action to approve the reporting of his breach of contract to the State Board of Education. On November 8, 2017, the District reported this matter to SCDE, requesting that the State Board take disciplinary action on Mr. Butler's educator certificate.

After considering the evidence presented, the State Board finds that the evidence presented demonstrates that Mr. Butler breached his contract with the District, and that just cause exists to suspend Mr. Butler's certificate for a period of one year, commencing on December 12, 2017, and ending on December 11, 2018.

CONCLUSIONS OF LAW

"The State Board of Education may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (Rev. 2004). Just cause includes, *inter alia*, "unprofessional conduct" and "wilful violation of the rules and regulations of the State Board of Education." S.C. Code Ann. § 59-25-160 (3) and (4) (Rev. 2004). Pursuant to 24 S.C. Code Regs. 43-58 (2) and (14) (2011), the State Board of Education has the legal authority, *inter alia*, to suspend a certificate for "wilful neglect of duty" and "failure to comply with the provisions of a contract without the written consent of the local school board." The State Board finds that the evidence presented demonstrates that Mr. Butler breached his contract with the District and failed to comply with the provisions of his contract without the written consent of the District board. The evidence presented further supports the State Board's determination that just cause exists to suspend the educator certificate of Kenneth Lance Butler for a period of one year, commencing on December 12, 2017, and ending on December 11, 2018.

Kenneth
Lance
Butler
249771


KL
Initial
Here

11/27/17
Date

If Mr. Butler wishes to have his educator certificate reinstated at the end of the suspension period, he shall make a written request to the SCDE's Office of Educator Services, and shall meet all certification requirements in effect at the time she requests reinstatement. Mr. Butler shall also pay the applicable reinstatement fee. The suspension of Mr. Butler's educator certificate 249771 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order.

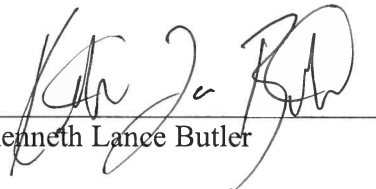
AND IT IS SO ORDERED.

South Carolina State Board of Education

By: 
Ivan Randolph, Ph.D., Chair

Columbia, South Carolina
December 12, 2017

I, Kenneth Lance Butler, SC Educator Certificate 249771, understand there has been an investigation concerning alleged violations of the laws and regulations governing the practice of educator certificate holders and that I have waived my right to a hearing in this matter. I agree that during the period of suspension, I will not seek employment or be employed as an educator, paraprofessional, aide, substitute teacher, coach or in any other paid position in a public school in the State of South Carolina. I understand the terms set forth in this Consent Order of Suspension are not subject to reconsideration, collateral attack or judicial review. I agree to the terms of this Consent Order of Suspension, consisting of three pages, and understand that this Order will be presented to the State Board for approval on December 12, 2017.


Kenneth Lance Butler

11/27/17
Date